



PTO/SB/21 (08-03)
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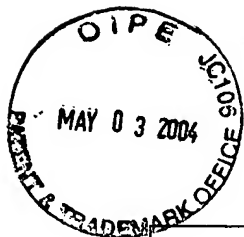
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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/692,367 | |
| | Filing Date | October 22, 2003 | |
| | First Named Inventor | Mathias L. MULLER | |
| | Art Unit | 1638 | |
| | Examiner Name | Not Yet Assigned | |
| Total Number of Pages in This Submission | 6 | Attorney Docket Number | 549162000320 |

| ENCLOSURES (Check all that apply) | | |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement, 3 pages <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form 1449, 2 pages; Return Postcard |
| <div>Remarks</div> CUSTOMER NO. 25225 | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|--|
| Firm or Individual name | MORRISON & FOERSTER LLP Bruce D. Grant - 47,608 |
| Signature | |
| Date | April 29, 2004 |

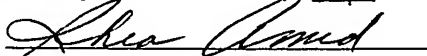
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PATENT
Docket No. 549162000320

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Rhea Amid

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Mathias L. MÜLLER et al.

Serial No.: 10/692,367

Filing Date: October 22, 2003

For: NOVEL COMPOSITIONS WITH
CHITINASE ACTIVITY

Examiner: Unassigned

Group Art Unit: 1638

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents were previously submitted in an Information Disclosure Statement and/or Office Action directed to the related applications Serial Number 10/389,432 filed 14 March 2003, and Serial Number 10/290,086 filed 6 November 2002; accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R. § 1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of __ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of __ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 549162000320. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 7th, 2004

Respectfully submitted,

By: 

Bruce D. Grant

Reg. No. 47,608

Morrison & Foerster LLP

3811 Valley Centre Drive, Suite 500

San Diego, California 92130-2332

Telephone: (858) 314-7962

Facsimile: (858) 720-5125

Form PTO-1449

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

Docket Number 549162000320

Application Number 10/692,367

Applicant

Mathias L. MÜLLER et al.

Filing Date October 22, 2003

Group Art Unit 1638

Mailing Date April 29, 2004



U.S. PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Name | Class | Subclass | Filing Date If Appropriate |
|----------------------|-------------|------|--------------|------|-------|----------|-------------------------------|
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FOREIGN PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Country | Class | Subclass | Translation YES NO |
|----------------------|-------------|------|--------------|---------|-------|----------|-----------------------|
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OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

| Examiner Initials | Ref. No. | Title |
|----------------------|-------------|--|
| | 1. | Asao, H., et al., "Enhanced Resistance Against a Fungal Pathogen Sphaerotheca humuli in Transgenic Strawberry Expressing a Rice Chitinase Gene" Plant Biotech. 14(3):145-149 (1997). |
| | 2. | Boller, T., "Hydrolytic Enzymes in Plant Disease Resistance" In <u>Plant Microbe Interactions, Molecular and Genetic Perspectives</u> Vol. 2 (Ed. Nester, E.W. & Kosuge, T.) pp. 385-413 (1987). |
| | 3. | Broglie, K., et al., "Transgenic Plants with Enhanced Resistance to the Fungal Pathogen Rhizoctonia solani" Science 254:1194-1197 (1991). |
| | 4. | Collinge, D., et al., "Plant Chitinases" Plant J. 3:31-40 (1993). |
| | 5. | Cosio, I., et al., "Bioconversion of Shellfish Chitin Waste: Waste Pretreatment, Enzyme Production, Process Design, and Economic Analysis" J. Food Sci. 47:901-905 (1982). |
| | 6. | Ding, X., et al., "Insect Resistance of Transgenic Tobacco Expressing an Insect Chitinase Gene" Transgenic Res. 7(2):77-84 (1998). |
| | 7. | Gianinazzi, S., "Genetic and Molecular Aspects of Resistance Induced by Infections or Chemicals" In <u>Plant Microbe Interactions, Molecular and Genetic Perspectives</u> Vol. 1 (Ed. Nester, E.W. & Kosuge, T.) pp. 321-342 (1987). |
| | 8. | Grisson, R., et al., "Field Tolerance to Fungal Pathogens of Brassica napus Constitutively Expressing a Chimeric Chitinase Gene" Nature Biotech. 14:643-646 (1996). |
| | 9. | Hamel, F., et al., "Structural and Evolutionary Relationships Among Chitinases of Flowering Plants" J. Mol. Evol. 44(6):614-24 (1997). |
| | 10. | Legrand, M., et al., "Biological Function of Pathogenesis-related Proteins: Four Tobacco Pathogenesis-related Proteins Are Chitinases" Proc. Natl. Acad. Sci. USA 84:6750-6754 (1987). |

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

